

Remarks

Claims 27-52 are pending in the application. Claims 27-37 and 39-52 were rejected and claim 38 was objected to. By this Amendment, claims 27, 30-32, 37, 38, 41, 42, 44, 50 and 51 have been amended and claims 28 and 29 have been cancelled. Reconsideration of the claims is respectfully requested. No new matter has been added.

Objections to the Drawings

The drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) as not including reference number 22. Applicant has deleted reference number 22 from the specification. As a result, this objection is believed to be cured.

The drawings were also objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Examiner stated that the limitation in claim 32 that “the impact panel is formed with decreasing width in the direction of the connection element” is not shown. Applicant has deleted this limitation from claim 32. As a result, the objection is believed to be cured.

Applicant has amended Figure 3 to show pivot shaft 27 held by shaft bearings 45 as disclosed in the paragraph beginning on page 12, line 7 of the original specification.

Objection to the Specification

Applicant has amended the specification to correct minor grammatical and typographical errors including those noted by the Examiner. Consequently, Applicant believes this objection has been cured.

Rejection Under 35 U.S.C. §112

Claims 42-44 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 42 and 44 to delete the alternative form language. As a result, Applicant believes this rejection has been overcome.

Rejection Under 35 U.S.C. § 102

Claims 27-30, 33-37 and 39-52 were rejected under § 102(e) as being anticipated by U.S. Patent No. 6,604,788 issued to Humer (hereinafter "Humer '788"). Applicant has amended claim 27 to more distinctly claim the present invention. Amended claim 27 recites "a head restraint positioning device for a vehicle seat having a seat back" that includes "a guide sleeve extending through the upper cross component [of a seat back frame]." Humer '788 does not recite a head restraint positioning device having a guide sleeve extending through an upper cross component of a seat back frame. Instead Humer '788 recites a vehicle seat and headrest arrangement having "an armature 110 including posts 111 that are connected to risers 112, which are moveably connected to the cross member 4 [of a vehicle seat]" (column 4, lines 20-23). As such, no portion of the headrest arrangement in Humer '788 extends through an upper cross component as required by amended claim 1. In addition, amended claim 1 recites a head restraint positioning device that is "spaced apart from the first and second side components [of the seat back frame]." Humer '788 does not recite a head restraint positioning device that is spaced apart from first and second side components of a seat back frame. Instead, Humer '788 discloses that the armature includes "a target 113 that is pivotally connected to the seatback frame with links" (column 4, lines 24-25). In addition, Humer '788 does not recite a connection element or an impact device that varies in length in response to the application of force by a pelvis of a seat occupant as claimed. Consequently, the rejection of claim 27 is believed to be overcome. Since claims 30, 33-37 and 39-52 depend on amended claim 27, these claims are believed to be allowable for the same reasons.

Rejection Under 35 U.S.C. § 103


Claim 31 was rejected under § 103(a) as being unpatentable over Humer '788 in view of U.S. Patent No. 6,550,865 issued to Cho. Claim 31 depends on amended claim 27. As a result, this rejection is believed to be moot for the reasons discussed above.

Claim 32 was rejected under § 103(a) as being unpatentable over Humer '788 in view of U.S. Patent No. 6,565,150 issued to Fisher et al. Claim 32 depends on amended claim 27. As a result, this rejection is believed to be moot for the reasons discussed above.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,
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Amendments to the Drawings:

The attached drawing sheet includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

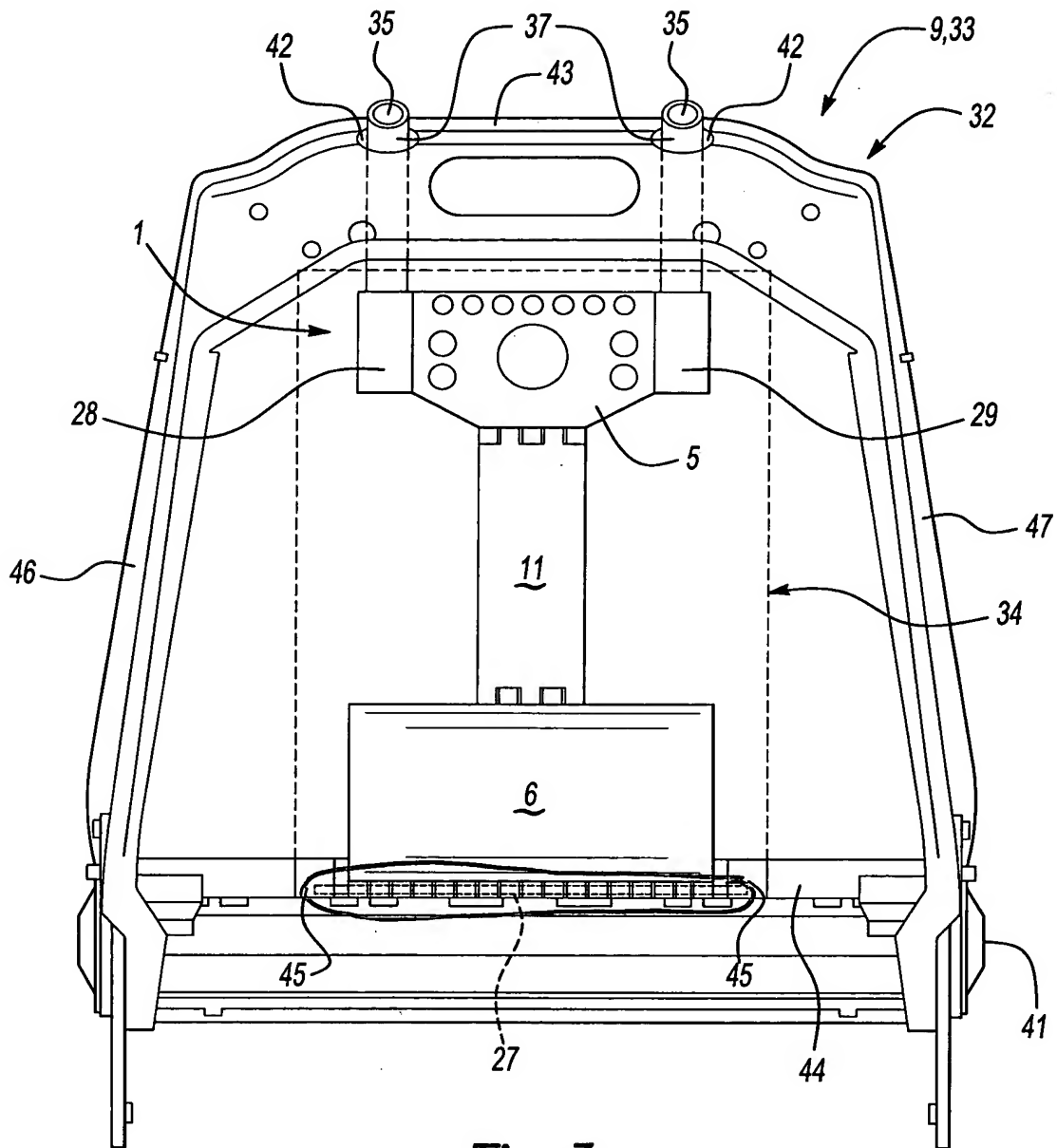


Fig-3